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8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 HERIBERTO PLAZA, JR., an individual,

Case No.: 2:19-cv-01954-JCM-NJK

11 Plaintiff,

12 v.

13 GEICO DIRECT; GEICO GENERAL
14 INSURANCE COMPANY; DOES I through V;
and ROE CORPORATIONS I through V,

15 Defendants.

**PROPOSED JOINT DISCOVERY
PLAN AND SCHEDULING ORDER**

16 Pursuant to Local Rule 26-1(e), the parties submit their proposed Discovery Plan and
17 Scheduling Order. Deadlines that fall on a Saturday, Sunday, or legal holiday have been scheduled
18 for the next judicial day.

20 1. **Meeting:** Pursuant to FRCP Rule 26(f), a meeting was held on February 12, 2020,
21 and was attended telephonically by Dustin E. Birch, Esq. of Clear Counsel Law Group for Plaintiff
22 Heriberto Plaza, Jr., and Jonathan W. Carlson, Esq. of McCormick, Barstow, Sheppard, Wayte &
23 Carruth, LLP, for Defendant Geico General Insurance Company.

25 2. **Pre-Discovery Disclosures:** Pursuant to FRCP Rule 26(a)(1), the parties will
26 make their pre-discovery disclosures, including but not limited to any Computation(s) of Damages
27 required pursuant to FRCP 26(a)(i)(A)(iii), on or before February 26, 2020.

1 3. **Areas of Discovery:** The parties agree that the areas of discovery should include,
2 but not be limited to: all claims and defenses allowed pursuant to the Federal Rules of Civil
3 Procedure.

4 4. **Discovery Plan:** The parties propose the following discovery plan:

5 A. **Discovery Cut-off Date(s):** Discovery will cutoff 180 days from the date
6 of the first appearance of any defendant, which is November 14, 2019, such that discovery closes
7 on May 12, 2020.

8 B. **Amending the Pleadings and Adding Parties:**

9 The parties shall have until February 12, 2020, to file any motions to amend the pleadings
10 to add parties. This is 90 days before the discovery cut-off date.

11 C. **FRCP 26(a)(2) Disclosure of Experts:**

12 Disclosure of experts shall proceed according to FRCP Rule 26(a)(2) and LR 26-1(e)(3)
13 as follows: the disclosure of experts and their reports shall occur on or before March 13, 2020,
14 2020. The disclosure of rebuttal experts and their reports shall occur on or before April 13, 2020.
15 The initial expert disclosure deadline is 60 days before the discovery cut-off date and the rebuttal
16 expert disclosure deadline is 30 days after the initial expert disclosure deadline.

17 D. **Interim Status Report:**

18 The parties shall file the interim status report by March 13, 2020, 60 days before the
19 discovery cut-off date, as required by LR 26-3.

20 E. **Dispositive Motions:**

21 The parties shall have until June 11, 2020, to file dispositive motions. This is 30 days
22 after the discovery cut-off date, as required by LR 26-1(e)(4).

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F. Pre-Trial Order:

The parties will prepare a Consolidated Pre-Trial Order on or before July 13, 2020, which is not more than 30 days after the date set for filing dispositive motions in the case, as required by LR 26-1(e)(5). This deadline will be suspended if dispositive motions are timely filed until 30 days after the decision of the dispositive motions or until further order of the Court. The disclosure required by FRCP Rule 26(a)(3), and objections thereto, shall be included in the pre-trial order.

G. **Court Conferences:** If the Court has questions regarding the dates proposed by the parties, the parties request a conference with the Court before entry of the Scheduling Order. If the Court does not have questions, the parties do not request a conference with the Court.

H. Extensions or Modifications of the Discovery Plan and Scheduling

Order: LR 26-4 governs modifications or extensions of this Discovery Plan and Scheduling Order. Any stipulation or motion to extend a deadline set forth in the discovery plan and scheduling order must be made not later than 21 days before the subject deadline. Any stipulation or motion to extend the discovery cut-off period must be made no later than April 21, 2020, 21 days before the discovery cut-off date.

I. **Format of Discovery:** Pursuant to the electronic discovery amendments to the Federal Rules of Civil Procedure effective December 1, 2006, the parties addressed the e-discovery issues pertaining to the format of discovery at the Rule 26(f) conference. The parties do not anticipate discovery of native files or metadata at this time, but each party reserves the right to make a showing for the need of such electronic data as discovery progresses.

J. **Alternative Dispute Resolution:** The parties certify that they have met and conferred about the possibility of using alternative dispute-resolution processes including mediation, arbitration, and if applicable, early neutral evaluation.

K. **Alternative Forms of Case Disposition:** The parties certify that they considered consent to trial by a magistrate judge under 28 U.S.C. section 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General Order 2013-01), however, the parties have decided against such use and require a traditional jury trial.

L. **Electronic Evidence:** The parties certify that they discussed whether they intend to present evidence in electronic format to jurors for the purposes of jury deliberations. The parties have not reached any stipulations in this regard at this time.

DATED this 18th day of March 2020.

CLEAR COUNSEL LAW GROUP

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/s/ *Dustin E. Birch*

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IT IS SO ORDERED:

UNITED STATES MAGISTRATE JUDGE

DATED: March 19, 2020